

1 Nossaman LLP
2 Janice Mock (pro hac vice)
3 jmock@nossaman.com
4 Allan H. Ickowitz (pro hac vice)
5 aickowitz@nossaman.com
6 S. Ashar Ahmed (pro hac vice)
7 aahmed@nossaman.com
8 Catherine F. Ngo (pro hac vice)
9 cngo@nossaman.com
10 50 California Street, 34th Floor
11 San Francisco, CA 94111
12 Telephone: 415.398.3600
Facsimile: 415.398.2438

13 The Cooper Castle Law Firm LLP
14 Aaron M. Waite (NV 7947)
15 awaite@ccfirm.com
16 5275 S. Durango Dr.
17 Las Vegas, NV 89113
18 Telephone: 702.435.4175
19 Facsimile: 702.877.7424

20 Attorneys for Creditor
21 FEDERAL DEPOSIT INSURANCE CORPORATION,
22 as Receiver for LA JOLLA BANK, FSB

23 **UNITED STATES BANKRUPTCY COURT**

24 **DISTRICT OF NEVADA**

25 IN RE DANIEL GEORGE JOHN TARKANIAN
26 AND AMY MICHELLE TARKANIAN,

27 Debtors.

28 Case No: 13-20495-mkn
Chapter 7

29 **REQUEST FOR JUDICIAL NOTICE IN
30 SUPPORT OF CREDITOR'S TRIAL BRIEF
31 RE: OBJECTION TO HOMESTEAD
32 EXEMPTION**

33 Date: May 1, 2014
34 Time: 9:30 a.m.
35 Courtroom: 2 (Third Floor)

36 Before Chief Judge Mike K. Nakagawa
37 300 Las Vegas Boulevard South
38 Las Vegas, Nevada

REQUEST FOR JUDICIAL NOTICE

Creditor Federal Deposit Insurance Corporation as Receiver for La Jolla Bank, FSB (“Creditor”), hereby respectfully requests that the Court take judicial notice of the following documents, attached hereto as **Exhibits 1 and 2**. This request is made pursuant to Rule 201 of the Federal Rules of Evidence, and the authorities cited below, and is made in connection with Creditor’s Trial Brief.

I. BASIS FOR REQUESTING JUDICIAL NOTICE

A court may take judicial notice of a fact that is not “subject to reasonable dispute in that it is either (1) generally known within the jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably questioned.” Fed. R. Evid. 201(b). If a party requests a court to take judicial notice of such facts, and supplies the court with the necessary information, then judicial notice of those facts is mandatory. Fed. R. Evid. 201(c)(2).

Court filings, including complaints, claims, petitions and judicial orders, constitute documents that are public records and capable of accurate and ready confirmation by sources that cannot reasonably be questioned and be proper subjects for judicial notice. *See United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980) (“a court may take judicial notice of its own records in other cases, as well as the records of an inferior court in other cases”); *see also In re Korean Air Lines Co., Ltd.*, 642 F.3d 685, 689 n1 (9th Cir. 2011).

Accordingly, Creditor requests that this Court take judicial notice of the judicial record attached hereto as **Exhibit 1**, namely: A true and correct copy of the Judgment entered into on May 22, 2012, by the United States District Court for the Southern District of California against Defendants Danny Tarkanian, Amy Tarkanian, Jerry Tarkanian, Lois Tarkanian, George Tarkanian, Zafir Diamant, and Josephine Diamant in the amount of \$16,995,005.17, and judgment against Defendants Douglas Johnson and Debra Johnson in the amount of \$31,244,249.21, with post-judgment interest at 10% as to all Defendants in the case entitled *FDIC v. Danny Tarkanian, et al.*, case no. 3:10-CV-0980-WOH (KSC).

Creditor further requests that the Court take judicial notice of the judicial record attached hereto as **Exhibit 2**: A true and correct copy of the publicly available Order Granting Creditor's Motion for Summary Judgment on the Counterclaims of Defendants Danny Tarkanian, Amy Tarkanian, Jerry

1 Tarkanian, Lois Tarkanian, George Tarkanian, Zafir Diamant, and Josephine Diamant issued by the
2 United States District Court for the Southern District of California on April 17, 2012, in the case entitled
3 *FDIC v. Danny Tarkanian, et al.*, case no. 3:10-CV-0980-WQH (KSC).

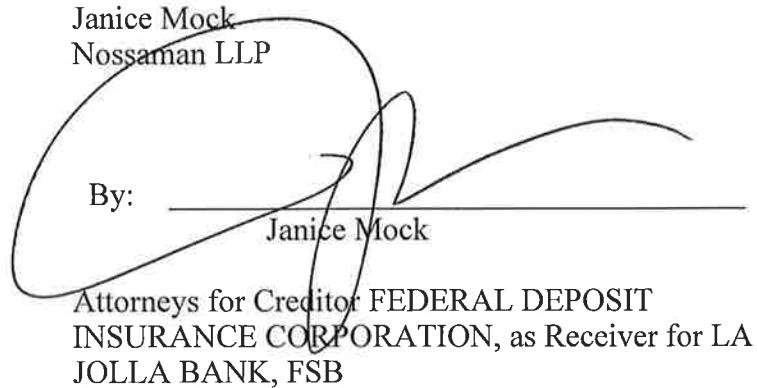
4 **II. CONCLUSION**

5 The Court may take judicial notice of the records attached hereto as **Exhibits 1 and 2** pursuant to
6 the Federal Rule of Evidence 201.

7 Dated: April 28, 2014

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Janice Mock
Nossaman LLP

By: 

Attorneys for Creditor FEDERAL DEPOSIT
INSURANCE CORPORATION, as Receiver for LA
JOLLA BANK, FSB

CERTIFICATE OF SERVICE

On April 28, 2014, I caused to be served the following document:

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF CREDITOR'S TRIAL BRIEF RE:
OBJECTION TO HOMESTEAD EXEMPTION**

I served the above-named document by the following means to the persons listed below:

Via ECF System:

Timothy S. Cory, Esq.
Duane Gillman, Esq.
tcory@djplaw.com
dgillman@djplaw.com
Durham, Jones & Pinegar
10785 West Twain Avenue, Suite 200
Las Vegas Office, Nevada 89135
Counsel for Debtor Daniel Tarkanian

Jason A. Imes, Esq.
jimes@s-mlaw.com
Schwartz & McPherson Law Firm
2850 S. Jones Blvd., Suite 1
Las Vegas, Nevada 89146
Counsel for Trustee

Zachariah Larson, Esq.
Matthew C. Zirzow, Esq.
zlarson@lzlawnv.com and
mzirzow@lzlawnv.com
Larson & Zirzow, LLC
810 S. Casino Center Blvd. #101
Las Vegas, Nevada 89101
Counsel for Debtor Amy Tarkanian

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Joy Morla
An employee of NOSSAMAN LLP